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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 QIAN CHEN,

9 Plaintiff,

10 v.

11 SEATTLE OFFICE FOR CIVIL RIGHTS,

12 Defendant.

Case No. 2:19-CV-01391-RAJ

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

13 Qian Chen, proceeding *pro se* and *in forma pauperis*, filed a civil complaint purporting to
14 sue the Seattle Office for Civil Rights. Dkt. 7. Because the complaint contains no factual
15 allegations, the Court declined to serve it but granted Mr. Chen leave to file an amended
16 complaint by October 11, 2019. Dkt. 8. The Court cautioned Mr. Chen that if he failed to correct
17 the noted deficiencies in his complaint, this matter was subject to dismissal. Mr. Chen has failed
18 to file an amended complaint or otherwise respond to the Court's Order.

DISCUSSION

19 "[T]he court shall dismiss the case at any time if the court determines that ... the action
20 ... (i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or
21 (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. §
22 1915(e)(2)(B)(i)–(iii). This provision applies to all actions filed *in forma pauperis*. *See Lopez v.*
23 *Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000).

1 Dismissal of a complaint for failure to state a claim upon which relief may be granted is
2 provided for in Federal Rule of Civil Procedure 12(b)(6), and 28 U.S.C. § 1915(e)(2)(B)(ii)
3 tracks that language. Thus, when reviewing the adequacy of a complaint under 28 U.S.C. §
4 1915(e)(2)(B)(ii), the court applies the same standard as is applied under Rule 12(b)(6). *See*
5 *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012).

6 In reviewing the complaint under this standard, the court must accept as true the
7 allegations, construe the pleadings in the light most favorable to the plaintiff, and resolve all
8 doubts in the plaintiff's favor. *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). Additionally,
9 allegations in pro se complaints are "held to less stringent standards than formal pleadings
10 drafted by lawyers" (*Hughes v. Rowe*, 449 U.S. 5, 9 (1980)), and "[a] pro se litigant must be given
11 leave to amend his or her complaint, and some notice of its deficiencies, unless it is absolutely
12 clear that the deficiencies of the complaint could not be cured by amendment." *Cato v. United*
13 *States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

14 Because Mr. Chen included no factual allegations in his complaint, it is impossible for
15 the Court to discern what cause of action he is attempting to assert.¹ Although the Clerk has
16 designated this case as one asserting a claim under the Americans with Disabilities Act
17 ("ADA"), there is nothing in Plaintiff's filings to indicate that he intended to bring such an action
18 or in fact, any action at all. The Court notes that in a telephone communication with the Clerk of
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20 ¹ Mr. Chen filed similarly blank IFP applications and complaints in seven other cases. *See* Cases
21 2:19-1386-RAJ *Chen v. Human Rights Commission*; 2:19-cv-01387-RAJ *Chen v. Martinez*;
22 2:19-cv-01388-RAJ *Chen v. City of Seattle*; 2:19-cv-01389-RAJ *Chen v. Cantwell*; 2:19-cv-
01390-RAJ *Chen v. University of Washington*; 2:19-cv-01392-RAJ *Chen v. Department of*
23 *Services for the Blind*; and 2:19-cv-01424-RAJ *Chen v. Commissioner of Social Security*.
Reports and Recommendations are pending in six of these cases, recommending denial of
Plaintiff's IFP application and dismissal without prejudice. Case No. 19-1389 *Chen v. Cantwell*
was dismissed without prejudice on October 10, 2019 (Dkts. 5, 6).

1 Court on August 30, 2019, Mr. Chen indicated that he meant to name the “Department of
2 Education, Office of Civil Rights” as a defendant. Regardless of which entity is named, the
3 Complaint is subject to dismissal because it contains no factual allegations.

4 Mr. Chen was advised of the deficiencies of his complaint and given additional time to
5 file an amended complaint. *See* Dkt. 8. He has failed to do so. Because Mr. Chen failed to timely
6 file an amended complaint or otherwise respond to the Court’s Order, it is **ORDERED** that this
7 matter is **dismissed without prejudice**.

8 DATED this 23rd day of October, 2019.

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11 The Honorable Richard A. Jones
12 United States District Judge
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